UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

FELICIA GRANT,	§	
Plaintiff,	§	**Civil Action No.:**
v.	§	
TRANSWORLD SYSTEMS, INC.,	§	
Defendant.	§	**JURY TRIAL DEMANDED**

COMPLAINT

FELICIA GRANT ("Plaintiff"), by and through her attorneys, KIMMEL & SILVERMAN, P.C., allege the following against TRANSWORLD SYSTEMS, INC. ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") and the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA") *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. §

1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the State of Texas, and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in Richmond, Texas.

6. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. §1692a(3).

7. Plaintiff is a "person" as that term is defined by 47 U.S.C. §153(39).

8. Defendant is a national debt collection company with headquarters located at 507 Prudential Road, Horsham Pennsylvania 19044.

9. Defendant is a "debt collector" as that term is defined by 15 U.S.C. §1692a(6), and sought to collect a debt from Plaintiff.

10. Defendant is a "person" as that term is defined by 47 U.S.C. §153(39).

11. At all relevant times, Defendant acted as a "debt collector" within the meaning of 15 U.S.C. § 1692(a)(6) and, Defendant attempted to collect a "debt" as defined by 15 U.S.C. §1692(a)(5).

12. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

13. Plaintiff has a cellular telephone.

14. Plaintiff has only used this phone as a cellular telephone.

15. Beginning in or around October 2016 and continuing through April 2017, Defendant contacted Plaintiff repeatedly in its attempts to collect an alleged medical debt.

11. Defendant's calls originated from the numbers including, but not limited to: (713) 388-6469. The undersigned has confirmed that this number belongs to Defendant.

12. When contacting Plaintiff on her cellular telephone, Defendant used an automated telephone dialing system and/or a pre-recorded voice.

13. Plaintiff knew Defendant was using an automated telephone dialing system and/or a pre-recorded voice because the calls she received began with a pre-recorded voice before she would speak to one of Defendant's collectors.

14. Defendant's calls were not for emergency purposes, but rather to collect an alleged debt.

15. Soon after she started receiving these calls, Plaintiff would routinely state that she is unable to make payments on this debt and demanded that the Defendant stopped calling her.

16. Once Defendant was told the calls were unwanted and to stop, there was no lawful purpose to making further calls, nor was there any good faith reason to place further calls.

17. Further, any continued calls could only have been for the purpose of harassment.

18. Defendant ignored Plaintiff's requests to stop calling and continued to call Plaintiff multiple times per day through April 2017.

19. Defendant would even hang up on Plaintiff and then call right back.

20. However, Defendant ignored Plaintiff's request and continued to call her.

21. During this time, Defendant's collector's threatened to take Plaintiff to court if she did not pay the debt.

22. Upon information and belief, Defendant did not intend to take legal action against Plaintiff and made this threat with the intent to upset and coerce payment from Plaintiff.

23. The Defendant also called Plaintiff's mother on several occasions to locate her whereabouts.

24. As Defendant had been in touch with Plaintiff, contacting Plaintiff's mother could have served no purpose other than to further harass Plaintiff.

25. After Plaintiff's requests to stop calling were ignored by Defendant, Plaintiff took necessary measures to block calls from Defendant's phone number.

26. Finally, Defendant also failed to send Plaintiff a written notice regarding her rights pursuant to the FDCPA.

COUNT I
DEFENDANT VIOLATED §§ 1692d and d(5) OF THE FDCPA

27. A debt collector violates § 1692d of the FDCPA by engaging n conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

28. A debt collector violates § 1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse, or harass any person at the called number.

29. Defendant violated §§ 1692d and d(5) when it placed repeated harassing telephone calls to Plaintiff and continued to call her despite knowledge the calls were unwanted.

COUNT II

DEFENDANT VIOLATED § 1692b OF THE FDCPA

30. A debt collector violates § 1692b of the FDCPA by communicating with any person other than the consumer for the purpose of acquiring location information about the consumer and communicates with that person more than once unless requested to do so by such person or unless the debt collector reasonably believes that the earlier response of such person was erroneous or incomplete and that such person now has correct or complete location information.

31. Defendant violated §1692b by communicating with Plaintiff's mother more than once when it had Plaintiff's contact information.

COUNT III

DEFENDANT VIOLATED §§ 1692e, 1692e(5), AND 1692e(10) OF THE FDCPA

32. A debt collector violates § 1692e by using any false, deceptive, or misleading representation or means in connection with the collection of any debt.

33. A debt collector violates § 1692e(5) by threatening to take any action that cannot legally be taken or that is not intended to be taken.

34. A debt collector violates § 1692e(10) by use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

35. Defendant violated §§ 1692e, e(5) and e(10) of the FDCPA when it threatened legal action without the intent to take such action.

COUNT IV

DEFENDANT VIOLATED §1692g OF THE FDCPA

36. A debt collector violates §1692g of the FDCPA by failing to send the consumer a written notice, within five days after the initial communication with the consumer, containing all of the following: the amount of the debt, the name of the creditor to whom the debt is owed, a statement that unless the consumer disputes the debt within thirty days after receiving this written notice, the debt will be taken as valid by the debt collector, a statement that if the consumer does notify the debt collector that s/he disputes the debt, the debt collector will obtain and mail out verification of the debt, or a copy of any existing judgment, a statement that, upon the consumer's written request, the debt collector will provide the name and address of the original creditor.

37. Defendant failed to send Plaintiff the required written notice within five days after the initial communication was made by phone in or around October 2016 in violation of §1692g of the FDCPA.

COUNT V
DEFENDANT VIOLATED THE TCPA

38. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

39. Defendant initiated automated calls to Plaintiff using an automatic telephone dialing system.

40. Defendant's calls to Plaintiff were not made for emergency purposes.

41. Defendant's calls to Plaintiff, in and after October 2016, were not made with Plaintiff's prior express consent.

42. Defendant's acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.

43. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.

44. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles damages.

WHEREFORE, Plaintiff, FELICIA GRANT, respectfully prays for a judgment as follows:

a. All actual damages suffered pursuant to 15 U.S.C. §1692k(a)(1);

b. Statutory damages of $1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);

d. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3);

e. Statutory damages of $500.00 for each violation of the TCPA, pursuant to 47 U.S.C. §227(c)(5)(B);

f. Treble damages of $1,500.00 per violative telephone call pursuant to 47 U.S.C. §227(b)(3);

g. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3)

h. Any other relief deemed appropriate by this Honorable Court.

RESPECTFULLY SUBMITTED,

Dated: May 25, 2017

KIMMEL & SILVERMAN, P.C.

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